

REMARKS

Claims 1-23 are pending in the above-identified application. Applicants thank the Examiner for the allowance of claims 13-18 and 21. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

The Examiner objected to claims 14 and 21 as using an unclear phrase. Particularly, the Examiner contends that the phrase “train-of-four twitches” is not clearly defined.

Applicants respectfully submit that the phrase “train-of-four twitches” is a term which is commonly known and used by those having ordinary skill in the relevant art. This common usage is evidenced by recitation of the term in numerous European and US medical journals without an accompanying definition. Further, Applicants respectfully submit that meaning of the term “train-of-four twitches” can be drawn from the Specification. Particularly, Applicants point to ¶¶ [0035], [0038], [0044], and [0054] – [0059]. Accordingly, it is respectfully submitted that the objection to claims 14 and 21 should be withdrawn.

Claims 1-5, 12, 19, 20, 22, and 23 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Published Application No. 2002/0173828 to Gozani et al. (“Gozani”).

Gozani discloses a method to assess a physiological function, and in particular, a neuromuscular function by using F-wave latency. Gozani describes applying a stimuli to nerves located in a wrist or an ankle, thereby generating a myoelectric potential in the muscles connected to the nerves. One component of

the myoelectric potential is the F-wave, which is detected to assess a neuromuscular function of the muscle.

In contrast, claim 1 recites “means for sensing *pressure waveform* signals produced by a patient’s muscle” and “means for processing the *sensed pressure waveform* signals, and means for displaying data, from the processing means, *related to the sensed pressure waveform*.” Gozani nowhere teaches or suggests that a *pressure waveform* may be generated, detected, or processed for a purpose of monitoring a neuromuscular function. The F-waves described in Gozani are components of the myoelectric potential, which is an electric potential, as opposed to a pressure signal as recited in claim 1.

In light of the distinctions discussed above, it is respectfully submitted that Gozani fails to teach or suggest “means for sensing pressure waveform signals produced by a patient’s muscle” or “means for processing the sensed pressure waveform signals” as recited in claim 1. Accordingly, it is respectfully submitted that the rejection of claim 1 should be withdrawn.

Independent claims 2 and 19 recite limitations similar to those of claim 1. Specifically, claim 2 recites “at least one *pressure waveform* sensor to detect *pressure waveform signals* produced by a patient’s muscle” and “a processor of the detected pressure waveform signals and a display of data, from the processor, related to the detected pressure waveform signals.” Claim 19 recites “sampling *pressure waveform signals* detected by said at least one pressure waveform sensor” and “processing the detected pressure waveform signals.” Therefore, it is respectfully submitted that for at least the reasons discussed above with respect to claim 1, the rejections of claims 2 and 19 should be withdrawn. Claims 3-12 depend from claim 2, and claims 20, 22, and 23 depend from claim 19, and thus contain all

the limitations of independent claims 2 and 19. Therefore, it is respectfully submitted that claims 3-12, 20, 22, and 23 are also allowable.

Claims 6-11 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Gozani.

Claims 6-11 depend, directly or indirectly, from claim 2, and thus include all the limitation recited therein. Therefore, for at least the reasons discussed above with respect to claim 2, it is respectfully submitted that the rejection of claims 6-11 should be withdrawn.

Claims 13-15 and 21 stand objected to as dependent upon a rejected base claim. However, as discussed above, the claims from which they depend (2 and 19) should be allowed over Gozani. Accordingly, it is respectfully submitted that the objection to claims 13-15 and 21 should be withdrawn.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favourable action on the merits is earnestly solicited.

Respectfully submitted:

By: 
Oleg F. Kaplun (Reg. No. 45,559)

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Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276